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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

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Technology Center 2100

Paper No. 12

Application Number: 09/323,210

Filing Date: June 6, 1999

Appellant(s): James Zeanah et al.

George T. Marcou

For Appellant

EXAMINER'S ANSWER

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This is in response to the appeal brief filed April 1, 2002.

(1) *Real Party in Interest*

A statement identifying the real party in interest (CITICORP DEVELOPMENT CENTER) is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

No amendment after final has been filed.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims

Group 1 - Claims 58 - 63,66, 67, 69 stand or fall together

Group 2 - Claim 64 stand or fall together

Group 3 - Claim 65 stand or fall together

Group 4 - Claims 72-84, 86- 89, 93 stand or fall together

Group 5 - Claim 85 stand or fall together

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Group 6 - Claim 90 stand or fall together

Group 7 - Claim 91 stand or fall together

Group 8 - Claim 92 stand or fall together

Group 9 - Claims 94-97, 100-107 stand or fall together

Group 10 - Claim 98 stand or fall together

Group 11- Claim 99 stand or fall together

Group 12 - Claims 68, 70 stand or fall together

Group 13 - Claim 71 stand or fall together

Group 14 - Claim 108 stand or fall together

Group 15 - Claim 109 stand or fall together

Group 16 - Claims 110 and 111 stand or fall together

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

Non Patent Literature

Mark Gibbs et al., "Absolute Beginner's Guide To Networking", (November 21, 1994)

James Martin, "Principles of Object-Oriented Analysis and Design", (June 1, 1992).

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Patent Literature

5,465,206

Hilt

11/1995

6,000,000

Hawkins

12/1999

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(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 U.S.C. § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 58 - 67, 69, 72-107 are rejected under 35 U.S.C. 102(a) as being anticipated by

"Absolute Beginner's Guide To **Networking**, Second Edition, Mark Gibbs et al. November 21, 1994.

The grounds of rejection are maintained. The following repeats the prior rejection.

Claim 58

Network anticipate a system for delivering services from a host site to a remote device (**Network**, page 322, Log in to Server and **Network**, page 378, Security), comprising: a mini-app dialog component for receiving a request for a service function from the remote device; and a transaction executor component instantiated by the mini-app dialog component to perform the requested service function (**Network**, page 323, the Script to attach and log on).

Claim 59

The system as set forth in claim 58 wherein the service function is requested from a user at the remote device. (**Network**, page 171, Remote Procedure Call (RPC))

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Claim 60

The system as set forth in claim 59, wherein the user includes a customer of the host site. (Given an interpretation of Log in of a user - **Network**, page 322)

Claim 61

The system as set forth in claim 59; wherein the user includes an employee of the host site. (Given an interpretation of Log in of a user - **Network**, page 322)

Claim 62

The system as set forth in claim 59; wherein the user includes a service provider external to the host site. (**Network**, page 171, Remote Procedure Call (RPC)).

Claim 63

The system as set forth in claim 58; wherein the mini-app dialog component also collects information from the remote device (**Network**, page 78, Data Storage and page 278).

Claim 64

The system as set forth in claim 63, further comprising a presentation manager component for mapping the information from the remote device into a canonical representation of the information (**Network**, page 439, Presentation layer by definition).

Claim 65

The system as set forth in claim 63, wherein the information from the remote device is collected by the mini-app dialog component as a canonical representation of the information (Interpreted as the hardware required to make claim 64 work as in inherent).

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Claim 66

The system as set forth in claim 63; wherein the information from the remote device is in a format designated for the remote device (Interpreted as Native mode - running one's own operating system, as opposed to an emulated environment- considered normal practice/ use).

Claim 67

The system as set forth in claim 58, wherein the remote device comprises a computer.(**Network**, page 271, terminals on a network).

Claim 69

The system as set forth in claim 58, wherein the remote device comprises a display device (**Network**, page 271, terminals on a network).

Claim 72

Network anticipates a method for delivering services from a host site to one or more users through one or more remote devices (**Network**, page 44, a Network - wide variety of topologies), comprising: receiving a first request for a service function from a first user through a first remote device (**Network**, page 322, Log in to Server, **Network**, page 378, Security), wherein the first request for a service function is in a first format designated for a first remote device; converting the first request for a service function from the first format into a canonical format (Presentation layer of OSI by definition); performing the first requested service function based on the canonical format of the first request for a service function (**Network**, page 433, 70-71, Client Server model by definition and the implementation of a network that utilizes the OSI model with emphasis on the Presentation layer).

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Claim 73

The method as set forth in claim 72, further comprising: outputting a welcome page (**Network**, page 322, log on screen) to the first user through the first remote device; and collecting the first user's identity and preference information (**Network**, page 326, Profile Log in scripts) .

Claim 74

The method as set forth in claim 72, further comprising: generating a first response relating to the first performed service function; formatting the first response in the first format designated for the first remote device; and sending the first formatted response to the first user through the first remote device. (**Network**, page 70-71 and 433, Client Server and OSI - Presentation layer above)

Claim 75

The method as set forth in claim 72, further comprising: instantiating a mini-app dialog component. As per claim 74.

Claim 76

The method as set forth in claim 72, wherein performing the first requested service function comprises: collecting sufficient information from the first user; and instantiating a transaction executor component to perform the first requested service function. As per claim 73 - log on operation.

Claim 77

The method as set forth in claim 72, further comprising: receiving a second request for a service function from a second user through a second remote device, wherein the second request for a service function is in a second format designated for a second remote device; converting the second request for a service function from the second format into the canonical format (OSI - Presentation layer emphasized); performing the

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second requested service function based on the canonical format of the second request for a service function (**Network**, page 212, second request could easily be a file server request in a client server environment).

Claim 78

The method as set forth in claim 72, further comprising: receiving a second request for a service function from a second user through the first remote device; performing the second requested service function. As per claim 77.

Claim 79

The method as set forth in claim 72, wherein the remote device comprises a display device. As per claim 69.

Claim 80

The method as set forth in claim 72 wherein the one or more users include a customer of the host site.

(Given an interpretation of Log in of a user - **Network**, page 322)

Claim 81

The method as set forth in claim 72, wherein the one or more users include an employee of the host site.

(Given an interpretation of Log in of a user - **Network**, page 322)

Claim 82

The method as set forth in claim 72, wherein the one or more users include a service provider external to the host site. (**Network**, page 171, Remote Procedure Call (RPC))

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Claim 83

Network anticipates a system for delivering services to a user through a remote device (**Network**, page 44, a Network - wide variety of topologies), comprising: a presentation manager for receiving a request for a service function from the user through the remote device (**Network**, page 322, Log in to Server and **Network**, page 378, Security) and for converting the request into a canonical format (Presentation layer of OSI by definition); and a transaction executor component (**Network**, page 323, the Server associated to user, Script to attach and log on for performing the requested service function based on the canonical format **Network**, page 433, 70-71, Client Server model by definition and the implementation of a network that utilizes the OSI model with emphasis on the Presentation layer).

Claim 84

The system as set forth in claim 83, further comprising a welcome mat (**Network**, page 322, log on screen) for collecting user identity and preference information. (**Network**, page 323, the script to attach and log on and **Network**, page 326, Profile log on script),

Claim 85

The system as set forth in claim 84, further comprising a navigation shell for informing the user of available service functions based on the collected user identity and preference information. (**Network**, page 323, the script to attach and log on as per claim 84).

Claim 86

The system as set forth in claim 84, further comprising a mini-app dialog component for collecting information relating to the requested service function from the user through the remote device and for instantiating the transaction executor component. As per claim 63.

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Claim 87

The system as set forth in claim 86, further comprising a navigation shell instantiated by the welcome mat (**Network**, page 322, log on screen, as per claim 84) for receiving the requested service function from the presentation manager and for instantiating the mini-app dialog component. As per claim 83.

Claim 88

The system as set forth in claim 84 further comprising a customer services set for providing a profile of the user based at least on the collected user identity. As per claim 84.

Claim 89

The system as set forth in claim 88, wherein the customer services set comprises a customer identification (ID) component which contains information relating the user identity. As per claim 84.

Claim 90

The system as set forth in claim 88; wherein the customer services set comprises a customer relationship component which contains information identifying a transactional relationship between the user and a host institution that provides the services to the user via the system (**Network**, Client Server, page 433, page 70-71 and use of information such as IP address).

Claim 91

The system as set forth in claim 88, wherein the customer services set comprises an issuer component which contains information about a host institution that uses the system to provide services to users. (**Network**, response to a request on the server sideside in a Client Server architecture, page 71).

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Claim 92

The system as set forth in claim 88, wherein the customer services set comprises an acquire component which contains information about an acquiring business for a session (**Network**, request from the Client side in a Client Server architecture, page 71).

Claim 93

The system as set forth in claim 88, wherein the customer services set comprises an account component which contains information about one or more accounts of the user (**Network**, page 378, Security).

Claim 94

The system as set forth in claim 83, further comprising a session controller component for receiving an initial contact from the user through the remote device and for instantiating a session component for a session bubble associated with the user. (Given an interpretation of Log in of a user - **Network**, page 323 and the session spawn by the Log in process).

Claim 95

The system as set forth in claim 94 , wherein the transaction executor component is associated with the session bubble. (Given an interpretation of Log in of a user - **Network**, page 324 and the session with a default server to execute transactions)

Claim 96

The system as set forth in claim 95, wherein the session controller component is also for receiving an initial contact from another user through the remote device and for instantiating another session component for another session bubble associated with the another user. As per claim 94.

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Claim 97

The system as set forth in claim 96, further comprising another transaction executor component associated with the another session bubble. (Given an interpretation of the definition of a **network** as in multiple servers present which a user can use. Numerous configurations could be cited such as Page 182, Peer-to-Peer)

Claim 98

The system as set forth in claim 97, further comprising a mini-app dialog component associated with each of the session bubbles for collecting information from the user of the respective session bubble and for instantiating the transaction executor component associated with the respective session bubble. As per claim 63.

Claim 99

The system as set forth in claim 98, further comprising an interface component for interfacing with the users for the session bubbles (as evident by log on screen above)and for routing the information from each user to the mini-app dialog component associated with the respective session bubble (Client server as per above) .

Claim 100

The system as set forth in claim 97, further comprising a back door man component for coordinating messages (**Network**, page 54-56, 439, routers) between the transaction executor components in the session bubbles and a single external service provider. (**Network**, page 171, Remote Procedure Call (RPC))

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Claim 101

The system as set forth in claim 94, wherein the session component instantiates a welcome mat (**Network**, page 322, log on screen) component for collecting the user's identity and preference information. (**Network**, page 323, the script to attach and log on).

Claim 102

The system as set forth in claim 94 , wherein the session controller component is also for receiving an initial contact from another user through the remote device and for instantiating another session component for another session bubble associated with the another user. As per claim 94.

Claim 103

The system as set forth in claim 102, further comprising a system services set for providing common services to the session bubbles. (Given an interpretation of Log in of a user - **Network**, page 323 and the session spawn by the Log in process)

Claim 104

The system as set forth in claim 83, wherein the remote device comprises a display device. As per claim 69.

Claim 105

The system as set forth in claim 83, wherein the user includes a customer of a host institution that uses the system to deliver services. (Given an interpretation of Log in of a user - **Network**, page 322)

Claim 106

The system as set forth in claim 83, wherein the user includes an employee of a host institution that uses the system to deliver services.(Given an interpretation of Log in of a user - **Network**, page 322)

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Claim 107

The system as set forth in claim 83; wherein the user includes a service provider external to the system.
(**Network**, page 171, Remote Procedure Call (RPC)).

Claim Rejections - 35 U.S.C. § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 68, 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,465,206 **Hilt** issued November 7, 1995.

The grounds of rejection are maintained. The following repeats the prior rejection.

Claims 68 and 70

The system as set forth in claim 58; wherein the remote device comprises a telephone.

Networking does not teach all the possible types of devices that are well known to be able to attach to a network, such as a telephone or an automated teller machine. It is Hilt who teaches the connecting of a phone and ATM to a network (Hilt, Abstract). Therefore, it would have been obvious to combine the teachings of Networking with Hilt because, remote devices increase access to a network.

5. Claim 71 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,000,000 **Hawkins** October 31, 1995.

The grounds of rejection are maintained. The following repeats the prior rejection.

Claim 71

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Networking does not teach all the possible types of devices that can be attached to a network such as a PDA. It is Hawkins who teaches attaching a PDA to a network (**Hawkins**, Abstract and figure with communications link). Therefore, it would have been obvious to combine the teachings of Networking with Hawkins because, remote devices increase access to a network.

6. Claims 108 - 109 are rejected under 35 U.S.C. 102(a) as being anticipated by James **Martin**, "Principles of Object Oriented Analysis and Design", published June June 1, 1992.

Claim 108

Martin anticipates a system for delivering services from a host site to a remote device (**Martin**, Client Server, page 10), comprising: a mini-app dialog , component that receives a request for a service function from the remote device (**Martin**, Client Server - a **client** is a software module that requests an operation., a **server** is a software module that responds to the request , page 10) ; a transaction executor component instantiated by the mini-app dialog component to perform the requested service function (**Martin**, the point of diagrams produce code is repeated throughout the reference - "With OO Techniques and rules, we want the most direct translation of business policies into generated code, page 136) ; and a rule broker component that selectively procures business rules (**Martin**, Chapter 10 on Rules - Banking and Car Rental, page 152 - 153) from various sources in reply to rule queries from the mini-app dialog component and the transaction executor component (**Martin**, the actual code of the rules being processed in the transaction, page 152).

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Claim 109

The system of claim 108, wherein the business rules are grouped (**Martin**, page 152, Banking and Car Rental are different sources) in geographic region specific sets (**Martin**, page 241, "Information engineering applies structured or OO techniques to the enterprise as a whole or to a large sector of the enterprise.").

Claim Rejections - 35 U.S.C. § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 110 - 111 are rejected under 35 U.S.C. 103(a) as being unpatentable over

"Absolute Beginner's Guide To **Networking**, Second Edition, Mark Gibbs et al. November 21, 1994 in view of James **Martin** "Principles of Object Oriented Analysis and Design", June 1, 1992.

Claim 110

Network teaches a method for delivering services from a host site to one or more users through one or more remote devices (**Network**, page 44, a Network - wide variety of topologies), comprising: receiving a first request for a service function from a first user through a first remote device (**Network**, page 322, Log in to Server and **Network**, page 378, Security) , wherein the first request for a service function is in a first format designated for a first remote device; converting the first request for a service function from the first format into a canonical format (Presentation layer of OSI by definition); and performing the first requested service function based on the canonical format of the first request for a service function (**Network**, page 323, the

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Server associated to user, Script to attach and log on for performing the requested service function based on the canonical format **Network**, page 433, 70-71, Client Server model by definition and the implementation of a network that utilizes the OSI model with emphasis on the Presentation layer).; Although, **Network** teaches the basics of a request to log on and the processing of the transaction, **Network** does not teach performing the first requested service function includes applying a rule broker component to selectively procure business rules grouped in geographic region specific sets from various sources in reply to rule queries. It is Martin who teaches performing the first requested service function includes applying a rule broker component (**Martin**, Chapter 10, specifically pages 148 - 149) to selectively procure business rules grouped (**Martin**, page 152, Banking and Car Rental are different sources) in geographic region specific sets from various sources in reply to rule queries (**Martin**, page 241, "Information engineering applies structured or OO techniques to the enterprise as a whole or to a large sector of the enterprise.").

Claim 111

Network teaches a system for delivering services to a user through a remote device (**Network**, page 44, a Network - wide variety of topologies, page 322, Log in to Server and **Network**, page 378, Security), comprising: a presentation manager (Presentation layer of OSI by definition) that receives a request for a service function from the user through the remote device (**Network**, page 322, Log in to Server and **Network**, page 378, Security) and for converting the request into a canonical format; a transaction executor component that performs the requested service function based on the canonical format (**Network**, page 323, the Server associated to user, Script to attach and log on for performing the requested service function based on the canonical format **Network**, page 433, 70-71, Client Server model by definition and the implementation of a network that utilizes the OSI model with emphasis on the Presentation layer); **Network**

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teaches the enabling technology of logging on a network. The process of logging on requires data to be formatted on a screen and to execute the transaction request to log on and respond. Network does not teach a rule broker component that selectively procures and transmits business rules from various sources in reply to rule queries from the transaction executor component and the presentation manager component. It is **Martin** who teaches a rule broker component that selectively procures and transmits business rules from various sources (**Martin**, page 152, Banking and Car Rental are different sources) in reply to rule queries from the transaction executor component and the presentation manager component (**Martin**, page 148 - 149, reduced to practice Rules editors associated to diagrams with display (presentation)). Therefore, it would have been obvious to one of ordinary skill in the art to combine the enabling technology of **Network** to allow users to log on to a network and utilize a system that employs the old and well known technology of Rules as taught by **Martin**, because "Rules are encapsulated business knowledge" (**Martin**, page 135).

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(11) Response to Argument

I. Group 1 Represents Claims 58-63, 66, 67, 69

Appellant's Argument

"Rejection of Claims 58-67, 69, and 72-107 Under 35. U.S.C. § 102(a) As Being Anticipated by "Absolute Beginner's Guide to Networking" (Network) is Not Proper In the final Office Action dated December 5, 2001 (12/05/01), the Examiner repeated the rejection of claims 58-63, 66, 67, and 69 with the same language found in a previous Office Action dated October 2, 2001 (10/02/01); of which, the rejection of claim 58 is recited below.

Network anticipate [sic] a system for delivering services from a host site to a remote device (Network, page 322, Log in to Server and Network, page 378, Security), comprising: a mini-app dialog component for receiving a request for a service function from the remote device; and a transaction executor component instantiated by the mini-app dialog component to perform the requested service function (Network, page 323, the Script to attach and log on). Final Office Action of 12/05/01, page 3; Office Action of 10/02/01, page 1. This rejection was traversed in the undersigned's response dated November 8, 2001 (11/08/01). However, the Examiner rebutted the response by stating that, Applicant fails to acknowledge the rejection. The rejection was the transaction of log in on the network. Software to handle the log on function must present to support the log on as taught by the reference. The process of log in (sic) on is a transaction. The Applicant's claims were giving the broadest reasonable interpretation in view of the Specification. The argument is not persuasive nor seems to recognize the actual rejection. Final Office Action of 12/05/01, page 18. The undersigned respectfully submits that it is difficult to acknowledge or recognize the Examiner's actual rejection when the language of such rejection is confusing and lacks evidence of the alleged disclosure found in the prior art, Network. In this instance, the above-recited Examiner's rejection is not

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clear whether the Network's "Script to attach and log on" is meant to anticipate the claimed mini-app dialog component or transaction executor component. “

Examiner's Response

The written record is evidence that the “Undersigned” failed to grasp the presence of a non analogous art rejection under 35 U.S.C. § 102. Prior to covering this art rejection the basic concept of a non analogous rejection 35 U.S.C. § 102 was apparently missed in good faith and candor.

Furthermore, the concept of a Person Having Ordinary Skill In The Art (PHOSITA) is essential in understanding the non analogous art rejection under 35 U.S.C. § 102. The Examiner holds one of ordinary skill in the art of networking would understand what event take place when one logs onto a network. With this basic understanding of the processes of log on and the understanding of the terms as defined in the Specification the rejection is simple to one of ordinary skill in the art. Lacking the understanding of a non analogous art rejection in Patent law OR failing to be of ordinary skill in the field of networking may lead to confusion.

Case law enables an Examiner to write such rejections with confidence that Applicant's (now Appellant's) are of at least ordinary skill in the art. *Customer Accessories Inc. V. Jeffrey-Allan Ind. Inc.*, 1 USPQ2d1196 (Fed Cir 1986). The Examiner considered the following factors in determining the level of skill for one of ordinary skill.

1. Types of problems encountered in the art
2. Prior art solutions to those problems
3. Rapidity with which inventions are made.
4. Sophistication of the technology

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5. Education level of active workers in the field.

In addition to these factors as presented in the above case law the Examiner presumed a PHOSITA would be aware of all pertinent prior art. *Customer Accessories Inc. V. Jeffrey-Allan Ind. Inc.*, 1 USPQ2d1196 (Fed Cir 1986).

In view, of the understanding of the existence of non analogous art rejections under 102 and of a PHOSITA, the basis of the rejection is clearly founded in well established practices in patent law. Turning our attention to the interpretation of terms.

mini-app dialog component - on page 5 of the Specification is defined as “collects information needed to perform the requested function and instantiates a transaction executor component”.

transaction executor component - on page 5 of the Specification the component to carry out the function delivered by the mini-app dialog component is the definition for this term.

With the basics of patent law and the terms of the Specification a PHOSITA should be able to understand that a request to log on by entering a user name and password on a client computer and submitting the request with an enter key meets the definition of the mini-app dialog component in the broadest reasonable interpretation in view of the Specification. And the execution of the Script attached to the log on procedure to fulfil the log on request meets the broadest reasonable definition of the transaction executor component in view of the Specification.

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Appellant's Argument

“Even if the Examiner asserted that the “Script to attach and log on” anticipates one of the two claimed components, it is not clear from the rejection what item in Network is deemed by the Examiner to have anticipated the remaining component. It has been requested that the Examiner provide clarification to the Examiner's rejection. Response of 11/08/01 (page 5). However, the Examiner merely repeated the language of rejection of claim 58 in the final Office Action of 12/05/01 without providing clarification to the rejection. Specifically, it is requested that the Examiner point out with clarity where those two claimed components can be found in Network. As stated in the response of 11 /08/01, a review of the cited sections of Network does not reveal a system comprising the claimed mini-app dialog component and transaction executor component. In fact, the Examiner's citation of pp. 322-323 of Network refers to the use of LANtastic to provide net Log in, and p. 378 of Network merely discusses network security. LANtastic, as known in the art, is a LAN (Local Area Network) operating system and not a dialog component. Hence, it is respectfully submitted that Network does not disclose a system comprising two separate components: a mini-app dialog component and a transaction executor component as claimed. The Examiner rebutted this response with the above-recited statements that are as confusing as the rejection which they attempt to support.”

Examiner's Response

LANtastic (Trademark 1644997) is in fact an operating system for networks and provides for delivering services from a host site to remote devices. The log on and attach script features were described above.

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Appellant's Argument

"First of all, there is no claimed feature to "a transaction of log in on the network." Consequently, the Examiner's rejection using statements such as "[t]he rejection was the transaction of log in on the network" and "[t]he process of log in on is a transaction" is misplaced and irrelevant. Secondly, the Examiner's statement that "[s]oftware to handle the log on function must present (sic) to support the log on as taught by the reference" appears to be a rejection based on inherency. Yet, this statement or assertion was not found in the Examiner's rejection in the first Office Action dated 10/02/01, nor was it found in the rejection language of the subsequent final Office Action of 12/05/01. The Examiner cannot make a single rejection with piece-meal assertions in two different Office Actions, and then finalize the later Office Action to prevent Applicants and/or the undersigned sufficient opportunity to respond to the subsequently-made assertions. In other words, the examiner cannot make an unclear rejection and attempt to clarify the rejection with an unclear rebuttal all at the expense of requiring the undersigned to second guess the nature of the rejection. Therefore, it is respectfully submitted that the finality of the Office Action dated 12/05/01 is incorrect and at best premature."

Examiner's Response

The long established patent practice of a non analogous art rejection under 35 U.S.C. § 102 was clearly missed as evident in the written record. The Examiner wrote the rejection to the level of ordinary skill in the field of networking. Also, evident in the record is the fact that the Appellant did not call the Examiner if they felt so confused by the nature of the rejection.

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Appellant's Argument

“Responsive to the Examiner's rebuttal, it is respectfully pointed out that on pages 322-323 of Network (as cited by the Examiner), particularly Figures 12.1 and 12.2, there is reference to a LANtastic NET utility used to log into a server. Even if the LANtastic NET utility is considered to be the mini-app dialog component by the Examiner, as may or may not be the case due to the Examiner's unclear rejection and rebuttal, the Network's "Script to attach and log on" asserted by the Examiner cannot be considered as the claimed "transaction executor component instantiated by the mini-app dialog component to perform the requested service function." This is because the asserted Network's "Script to attach and log on," as best understood from the Examiner's unclear rejection, refers to the Log in scripts described U1 the second paragraph next to the last on page 323 of Network. These Log in scripts are run once the user logs into a server so that the Log in scripts can execute predetermined commands. Thus, the log in scripts do not perform the requested function of Log in on the user, which is handled by the LANtastic NET utility used to log users into the server. In other words, the LANtastic NET utility or any other inherent log on software, does not instantiate the "Scripts to attach and log on", or a transaction executor component as claimed. Thus, it is respectfully submitted that claim 58 is allowable over the references of record, and the finality of the Office Action dated 12/05/01 is unwarranted.”

Examiner's Response

The argument is a repeat of the argument covered above with the exception of the attorney allegation that “In other words, the LANtastic NET utility or any other inherent log on software, does not instantiate the "Scripts to attach and log on", or a transaction executor component as claimed”. The Examiner disagrees

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that log on procedures don't inherently execute scripts but more importantly the reference teaches the execution of a script as a result of responding to the request for service.

Appellant's Closing Statement on Group 1

"Claims 58-63, 66, 67, and 69 stand or fall together with regard to the rejection under 35 U.S.C. § 102(a) as being anticipated by Network for purposes of this appeal. For the reasons stated above, it is respectfully requested that the Board recognize the deficiencies in the Examiner's rejection of the claims, reverse the Examiner's rejection, and allow claims 58-63, 66, 67, and 69."

Examiner's Disposition of Group 1

The art rejection give the broadest reasonable interpretation in view of the Specification meets the claimed invention to a PHOSITA.

II. Group 2 Represents Claim 64

Appellant's Argument

"With regard to claim 64, the aforementioned reasons for the allowability of claim 58 also applies here.

Claim 64 is also allowable for the following reasons: The Examiner repeated the rejection of claim 64 with the same language found in the previous Office Action of 10/02/01, as recited below.

The system as set forth in claim 63, further comprising a presentation manager component for mapping the information from the remote device into a canonical representation of the information (Network, page 439, Presentation layer by definition). Final Office Action of 15/05/01, page 4. This rejection was traversed in the undersigned's response of 11/08/01. However, the Examiner rebutted the response by stating that,

The reference clearly shows computer screens displaying data. The format is a "canonical representation of the information", the device is remote device when displayed on a device such as the client in a client server

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architecture. The term presentation manager in the art does in fact relate to the Presentation layer of the OSI model. Since, the data is being displayed on the remote client in a format then the use of a presentation manager is in use. This argument is less than ordinary, skill in the art and not persuasive. (Emphasis added)."

Examiner's Response

Absolutely, the Examiner not only indicated to the standard OSI model which has requirements that must be met for transmissions to be successful but also provided a computer screen displaying data. The Presentation layer of the OSI model is well known to be the layer that provides data to an application program. An application program is needed to paint the screen as seen in the reference. The term "canonical representation of information" is the process inherent in taking the data from the Presentation layer and displaying it on the screen. Page 6 of the Specification defines "canonical representation" by stating the following: "The system includes a presentation manager which maps messages from a canonical representation into a format desired for a particular remote device." In the rejection the screen of the terminal displaying the screen is the particular remote device. To send data in a network and be able to display it on a screen requires the basic steps presented to have the screen in the reference. Arguing the cornerstones of networking is deemed less than ordinary, skill in the art and not persuasive. Apply the denial test and your network would not be enabled without them.

Appellant's Argument

"Final Office Action of 12/05/01, pie 19. The Examiner's above-recited rebuttal is respectfully traversed, and it is respectfully submitted that the last statement in the Examiner's rebuttal is unwarranted. Just because Network shows computer screens displaying data, it does not logically follow that the format of such data

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must be a canonical representation of the information. One of ordinary skill in the art would have realized that there are a myriad of information representations that can be used to display data on a screen.”

Examiner’s Response

The Examiner disagrees to believe Appellant’s argument one would need to believe devices display without data being extracted from a message and without a form of program control to display the data. To one of ordinary skill in the art the Appellant is stating device drivers are not needed. Appellant’s argument is not technically sounds and based on allegation.

Appellant’s Argument

“ Furthermore, claim 64 does not claim that the remote device displays data in a format that is a canonical representation of the information. In contrast, claim 64 provides for a presentation manager component that maps the information from the remote device into a canonical representation of the information.”

Examiner’s Response

The response to arguments above covered the screen display requires a software to display data on the remote device. Appellant’s broad claims resulted in an equally broad rejection. The elimination of an of the well known steps results in a system that can not display data on a screen.

Appellant’s Argument

“One of ordinary skill in the art also would have understood that the OSI model is merely a loose standard for a functional system model set by the International Standards Organization (ISO). In other words, particulars of the OSI model are left to the system designers so long as the resulting system has the requisite layers, each generally functions according to the loose OSI model standard. As pointed out by the Examiner in referencing the glossary of Network, page 493, the OSI model includes seven layers, one of which is

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termed the presentation layer, loosely defined as the place "where the formatting and translation of data is performed so that the application layer can understand what is going on." The OSI model does not demand or disclose that such data formatting and translation must involve canonical representation of data. Thus, as stated in the response dated 11/08/01, the definition as cited by the Examiner does not disclose the particulars of the claimed presentation manager component, including, the mapping and collection of information from the mini-app dialog component as canonical representation of the information from the remote device as claimed. In order to sustain rejection of anticipation under 35 U.S.C. § 102, the reference cited must contain each and every limitation of the claim. The Examiner has failed to meet his/her burden."

Examiner's Response

The OSI model is a standard. In fact, it was selected for the rejection because it tends to be the basis for college course on teaching the basics of networks. One of ordinary skill in networking should know the seven layers must be met for successful communications and the end result is the delivery of data to the Presentation layer for use by applications. The art rejection shows the screen display which is a result of a successful data transmission and extraction of that data and display in a canonical representation on the screen. These elements are not optional. Appellant has successfully claimed the cornerstone to data communications and display of data on a screen. The Examiner has responded in an equally broad manner.

Examiner's Disposition of Group 2

Arguments that a twenty year right to exclude others for the cornerstone of networking have been wholly unpersuasive.

III. Group 3 Represents Claim 65

Appellant's Argument

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“With regard to claim 65, the aforementioned reasons for the allowability of claim 64 also applies here. As with claim 64, claim 65 does not claim that the remote device displays data that is a canonical representation of the information. In contrast, claim 65 provides that the information from the remote device is collected by the mini-app dialog component as a canonical representation of the information. Claims 64 and 65 do not stand or fall together with regard to the rejection under 35 U.S.C. § 102(a) as being anticipated by Network for purposes of this appeal. For the reasons stated above, it is respectfully requested that the Board recognize the deficiencies in the Examiner's rejection of the claims, reverse the Examiner's rejection, and allow claims 64 and 65.

Examiner's Response

The rejections of prior claims cover the limitations of this claim. The argument hinge on the terms involved with “the information from the remote device is collected by the mini-app dialog component as a canonical representation of the information”.

IV. Group 4 Represents Claim 72-84, 86-89, 93**Appellant's Argument**

“With regard to claims 72 and 83, the aforementioned reasons for allowability of claims 64 and 65 also apply. Claims 72 and 83 are also allowable for the following reasons: The Examiner also repeated the rejection of claims 72 and 83 with the same language found in the previous Office Action of 10/02/01. This rejection was traversed in the response of 11/08/01. However, the Examiner rebutted the response by stating that, The claim limitation are (sic) directed toward receiving a data transmission and converting the input stream into a format. The reference is a beginners (sic) guide to networking and covers these essential steps. Applicant's argument is whole (sic) unpersuasive. The claims read on the technology required to make a

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network function. An argument of hindsight in a 102 rejection to a claim that reads on how the OSI model works is interesting but not persuasive. (Emphasis added). Final Office Action of 12/05/01, page 19. The Examiner is thanked for his comment that the arguments in the previous Office Action were interesting. However, the main purpose of the arguments was to be informative and persuasive. Indeed, these arguments are legally persuasive because they are based on the MPEP and relevant case law. These arguments are repeated below. To reject the limitations in claims 72 and 83, the Examiner pointed to different sections of Network (pp. 44, 70-71, 322, 378, 433) to show the disclosure of the claimed limitations. Yet, the Examiner failed to point out where in Network it is shown that the various cited sections are combined to arrive at the claimed invention in claims 72 and 83. As stated in the response date 11/08/01, according to MPEP 2131, which derives its legal reasoning and quotes from case law such as *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987), *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989), and *In re Bond*, 910 F.2d 83, 15 USPQ2d 1566 (Fed. Cir. 1990), A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference ... The identical invention must be known in as complete detail as is contained in the ... claim . . . The elements must be arranged as required by the claim. MPEP 2131. Thus, it is respectfully submitted that the gathering of various different features from various different sections of Network, to form the methods featured in claims 72 and 83 and its dependent claims, without evidence that they together function or are arranged as required by the claim, cannot be the basis for a rejection under 35 U.S.C. § 102. Otherwise, such rejection is akin to a rejection based on a dictionary because all words of the claim can be found in the dictionary.”

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Examiner's Response

The arguments are redundant and further serve to emphasize the "Undersigned" failed to understand the practice of a non analogous art rejection under 35 U.S.C. §102.

Appellant's use of case law

1. In re Bond, 910 F.2d 83, 15 USPQ2d 1566 (Fed. Cir. 1990) - Serve the Examiner's position by setting forth the disclosure in a reference must show the claimed elements arranged as in the claim but need not be in identical words as used in the claims to be anticipatory. In view, of the arguments above and the Appellant's claiming of cornerstone features of networking this case law serves the Examiner.

2. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987), the prior art rejection anticipates the claimed invention and Appellant has made claim to inherent features of successful network operations.

3. Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)

This case involves an inventor taking a specific commercial product and making a clear alteration to it and applying for a patent. Appellant has never disclosed any specific commercial product they have altered. The equivalence of the rejection is based on a sound interpretation of terms and the request for service (log on), response to that request and the cornerstones of networking which can not be removed to have a functioning network. Appellant has failed to disclosed any specific commercial product they have altered like Richardson did when he modified the suspension of a Suzuki motorcycle.

Appellant's use of case law is not persuasive.

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Appellant's Closing Statement on Group 4

"Claims 72-84, 86-89, and 93 stand or fall together with regard to the rejection under 35 U.S.C. § 102(a) as being anticipated by Network for purposes of this appeal. For the reasons stated above, it is respectfully requested that the Board recognize the deficiencies in the Examiner's rejection of the claims, reverse the Examiner's rejection, and allow claims 72-84, 86-89, and 93."

Disposition of Group 4

The prior art rejection is clear that successful network operations to provide for "receiving a data transmission and converting the input stream into a format" is inherent in networking and anticipated by the reference. The Appellant has claimed the cornerstone to successful network operations.

V. Group 5 Represents Claim 85**Appellant's Argument**

"With regard to claim 85, the aforementioned reasons for the allowability of claim 83 also apply here. Furthermore, there is inconsistency in the Examiner's rejections of claims 58, 83, and 85. For claims 58 and 83, the Examiner appeared to refer to the Network's "Script to attach and log on" as the transaction executor component. Yet, for claim 85, the Examiner also appeared to refer to the Network's "Script to attach and log on" as the navigation shell. It is respectfully submitted that the language of claims 83 and 85 indicate that the transaction executor component and the navigation shell are two distinct entities. Therefore, the Examiner cannot use the Network's "Script to attach and log on" to cite against both the claimed transaction executor component and the navigation shell. Claim 85 stands or falls by itself with regard to the rejection under 35 U.S.C. §102(a) as being anticipated by Network for purposes of this appeal."

Examiner's Response

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The Examiner's interpretation of the navigation shell was the display after a successful log on. Such screen typically indicate what services are available which is by definition the navigational shell (e.g. Windows NT screen after log on) .

VI. Group 6 Represents Claim 90

Appellant's Argument

"With regard to claim 90, the aforementioned reasons for the allowability of claim 83 also apply here. Furthermore, the Examiner rejected claim 90, stating that the claimed customer relationship component is anticipated by the definition of client/server. Final Office Action of 12/05/01, page 9. However, the broad definition of client/server on the Examiner's cited pages 70-71 and 433 of Network does not disclose the customer relationship component "which contains information identifying a transactional relationship between the user and a host institution that provides the services to the user as claimed. Claim 90 stands or falls by itself with regard to the rejection under 35 U.S.C. § 102(a) as being anticipated by Network for purposes of this appeal."

Examiner's Response

The choice to use the request for service "log on" process and ensuing processes for the rejection was strongly influenced by the limitation of "transactional relationship between the user and a host institution that provides the services to the user". A PHOSITA should recognize the user account to log on which is unique to the specific user meets this limitation in the broadest reasonable interpretation in view of the Specification.

VII. Group 7 Represents Claim 91

Appellant's Argument

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“With regard to claim 91, the aforementioned reasons for the allowability of claim 83 also apply here. Furthermore, the Examiner rejected claim 91, stating that the claimed issuer component is anticipated by a "response to a request on the server sideside (sic) in a Client Server architecture" found on page 71 of Network. First, it is unclear where such statement is found on page 71 of Network. Second, as stated in claim 91, the claimed issuer component "contains information about a host institution that uses the system to provide services to users," which is not the same as the Examiner's stated rejection. Claim 91 stands or falls by itself with regard to the rejection under 35 U.S.C. § 102(a) as being anticipated by Network for purposes of this appeal.”

Examiner's Response

The reference covers databases for support of operations was interpreted as "contains information about a host institution that uses the system to provide services to users" . For example in addition to specific files related to the server the reference mentions databases for electronic mail servers which is a service to users.

VIII. Group 8 Represents Claim 92**Appellant's Argument**

“With regard to claim 92, the aforementioned reasons for the allowability of claim 83 also apply here. Furthermore, the Examiner rejected claim 92, stating that the claimed acquirer component is anticipated by a "request from the Client side in a Client Server architecture" found on page 71 of Network. First, it is unclear where such statement is found on page 71 of Network. Second, as stated in claim 92, the claimed acquirer component "contains information about an acquiring business for a session," which is not the same

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as the Examiner's stated rejection. Claim 92 stands or falls by itself with regard to the rejection under 35 U.S.C. § 102(a) as being anticipated by Network for purposes of this appeal."

Examiner's Response

The Appellant has made an allegation but has not provided a technical argument. The Examiner has interpreted the component as a required component in a client server system that enables client machines to make requests.

IX. Group 9 Represents Claim 94 - 97, 100-107

Appellant's Argument

"With regard to claim 94, the Examiner rejected this claim "[g]iven an interpretation of Log in of a user - Network, page 323 and the session spawn by the Log in process." Yet, the Examiner did not explain further about his interpretation of the Log in of the user and where the claimed session controller component and its functions can be found in Network- Claims 94-97 and 100-107 stand or fall together with regard to the rejection under 35 U.S.C. § 102(a) as being anticipated by Network for purposes of this appeal."

Examiner's Response

Session controller component was interpreted as the interaction with the operating system and it assignment of rights and privileges as it present in commercial operating systems such as Windows NT.

X. Group 10 Represents Claim 98

Appellant's Argument

"With regard to claim 98, the Examiner rejected this claim by merely reciting the language of the claim and simply indicating "[a]s per claim 63." However, the Examiner did not reject claim 63 based on its claimed feature of "a mini-app dialog component associated with each of the session bubbles and for instantiating the

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transaction executor component associated with the respective session bubble." Indeed, it is claim 98 that claims such feature. Therefore, the Examiner's rejection does not sufficiently and/or clearly indicate where the claimed subject matter of claim 98 can be anticipated in Network. Claim 98 stands or falls by itself with regard to the rejection under 35 U.S.C. § 102(a) as being anticipated by Network for purposes of this appeal."

Examiner's Response

A session bubble was interpreted as the thread (executable image) that is inherently created when a user logs on a systems.

XI. Group 11 Represents Claim 99

Appellant's Argument

"With regard to claim 99, the Examiner rejected this claim by stating that the claimed interface component is anticipated by evidence of the log on screen and the client/server. Final Office Action of 12/05/01, page 11. It appears that the Examiner has used the general concept of the client/server architecture described in Network to anticipate numerous components claimed in various different claims of the present invention. Yet, dine and again, the Examiner has failed to clearly and distinctly identify where each and every one of the claimed components can be found in Network. Once again, it is respectfully submitted that the Examiner cannot use a broad description of a single entity, i.e., client/server architecture, disclosed in Network to reject numerous distinctly claimed components and their particular features and functions. Claim 99 stands or falls by itself with regard to the rejection under 3.5 U.S.C. § 102(a) as being anticipated by Network for purposes of this appeal."

Examiner's Response

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The Examiner provided an interpretation with the rejection. No technical argument has been provide to traverse the rejection.

Appellant's Closing Remarks

For the reasons stated above, it is respectfully requested that the Board recognize the deficiencies in the Examiner's rejection of the claims, reverse the Examiner's rejection, and allow claims 90-92 and 94-107.

Examiner's Disposition Group 11

The Appellant failed to provide a technical reason why the rejection would not anticipate the claimed invention. Such arguments should have drawn from the Specification the basic meaning of terms. It appears from the time the "Undersigned" failed to understand the non analogous art rejection under 35 U.S.C. § 102 the Appellant has taken a back seat in the prosecution.

Group 12 Represents Claim 68, 70**Appellant's Argument**

"The Rejection of Claims 68, 70 and Claim 71 Under 35. U.S.C. § 103(a) As Being Unpatentable over Hilt (5,465,206) and over Hawkins (6,000,000), Respectively, is Not Proper In the response of 11/08/01 to the previous Office Action of 10/02/01, the undersigned had assumed that claims 68 and 70 were actually rejected as being unpatentable over Network in view of Hilt and traversed accordingly. Likewise, the undersigned had assumed that claim 71 was actually rejected as being unpatentable over Network in view of Hawkins. Yet, in the final Office Action dated 12/05/01, the Examiner merely recited the same rejection in the Office Action of 10/02/01 without indicating whether the undersigned's assumption of the rejections is correct. This is another example of the lack of clarity in the Examiner's rejection.

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If the rejection of claims 68, 70 and claim 71 under 35 U.S.C. 103(a) are based on Network in view of Hilt and Hawkins, respectively, it is respectfully submitted that the above reasons for the allowability of claim 58 also applies to claims 68, 70, and 71. However, if the rejection of claims 68, 70 and claim 71 are based solely on Hilt or Hawkins, as so indicated in the Office Actions, it is hereby requested that the Examiner provide additional prior art that can be combined with Hilt and Hawkins to disclose the claimed invention because the Examiner did indicate that Hilt alone does not sufficiently teach the claimed limitations. Final Office Action of 12/05/01 “

Examiner's Response

To believe the Appellant's request for additional prior art is valid one would need to believe the inventors of the PDA never envisioned their invention would be connected to a network. Examiner disagrees.

Appellant's Closing Remarks

“Claims 68 and 70 stand or fall together, and claim 71 stands by itself with regard to the rejection under 35 U.S.C. § 103(a) as being unpatentable over Hilt (for claims 68 and 70) or Hawkins (for claim 71) for purposes of this appeal. For the reasons stated above, it is respectfully requested that the Board recognize the deficiencies in the Examiner's rejection of the claims, reverse the Examiner's rejection, and allow claims 68, 70, and 71.”

Examiner's Disposition Group 12

Appellant's request for additional prior art is not a sound grounds for allowance and fails to provide a technical argument.

XIII. Group 14 Represents Claim 108

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Appellant's Argument

"The Rejection of Claims 108 and 109 under 35 U.S.C. §102(a) as Beinjz Unpatentable over Martin, "Principles of Object Oriented Analysis and Design" is Not Proper It is respectfully submitted that Martin does not disclose the claimed mini-app dialog component, transaction executor component, rule broker component, and their arrangements for at least the following reasons.

The Examiner asserted that the claimed mini-app dialog component is shown by "Martin, Client Server - a client is a software module that requests an operation[], a server is a software module that responds to the request, page 10," final Office Action of 12/05/01, page 24. Thus, the Examiner considered a client/server structure, with both a client and a server, to be the mini-app dialog component. As evidence by Martin, the terms client and server are well known and well understood in the art. For instance, based on the language in the specification and the claims, one of ordinary skill in the art would have realized that the claimed system has a general client/server architecture, wherein a client refers to the remote device and a server refers to the host site. However, claim 108 does not provide for the client/server structure, i.e., both the remote device and the host site, to receive a request for a service function from the remote device. Indeed, claim 108 provides for a mini-app dialog component that receives a request for a service function from the remote device. Thus, the mini-app dialog component are distinctly described from the remote device (i.e., the client) or the host site (i.e., the server). If, as asserted by the Examiner, the mini-app dialog component is the entire client/server structure, it must follow that the mini-app dialog must receive a request for a service function from itself, i.e., the remote device, because the remote device is part of the client/server structure. Furthermore, if the mini-app dialog component is the entire client/server structure, then it is unclear what is considered by the Examiner to be the claimed transaction executor component and

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the rule broker component when such components are part of the system, i.e., the client/server structure, as claimed. Consequently, a client/server structure cannot be considered the claimed mini-app dialog component as asserted by the Examiner.

The Examiner asserted that the claimed transaction executor component is shown by "Martin, the point of diagrams produce code. is repeated throughout the reference - 'With OO Techniques and rules, we want the most direct translation of business policies into generated code,' page 136," final Office Action of 12/05/01, pp. 14-15. Claim 108 does not claim that the transaction executor component perform any direct translation of business policies into generated code, as rejected by the Examiner using Martin. Indeed, claim 108 actually provides for "a transaction executor component instantiated by the mini-app dialog component to perform the requested service: function," which the Examiner did not reject.

Because the claimed mini-app dialog component and transaction executor component are not found in Martin, the claimed rule broker component and its claimed features relating to the other two claimed components are also not found in Martin.

Examiner's Response

Martin does teach client server architecture and how to respond to requests for services is part of client server architecture (such as on page 10) the definition of a client a software module that requests an operations and a Server is a software module that responds to that request. The Martin reference in the RULE chapter taught the new limitation of rules.

XV. Group 15 Represents Claim 109

Appellant's Argument

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“With regard to claim 109, the aforementioned reasons for the allowability of claim 108 also applies here. Furthermore, the Examiner rejected claim 109 because Martin purportedly shows the system of claim 108 wherein the business rules are grouped in geographic region specific sets merely because Martin states that "Information engineering applies structured or OO[, i.e., object oriented,] techniques to the enterprise as a whole or to a large sector of the enterprise," final Office Action of 12/05/01, page 15. It is respectfully submitted that just because the structured or OO techniques can be applied to a part or a whole enterprise, it does not follow that such techniques must be applied to the enterprise in geographical region specific sets. Indeed, the techniques can be applied to the enterprise in large sectors, wherein each sector is defined by common object oriented logic or common functionalities and tasks. Thus, each sector does not have to be bounded by a geographical region set. Accordingly, Martin has not shown that business rules are grouped in geographical region specific sets as claimed.”

Examiner's Response

Martin teaches Object Oriented Analysis and Design. The basic underlying principle of the methodology is the focus on nouns. Such as continents and countries. Object oriented design does require the focus on nouns which include how nouns such as geographic regions would be part of the object model. The object model reflects the enterprise such as geographic regions and the other nouns that represent the enterprise.

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XVI. Group 16 Represents Claim 110 and 111**Appellant's Argument**

"The Rejection of Claims 110 and 111 under 35 U.S.C. §103(x) as Being Unpatentable over Network in View of Martin is Not Proper With regard to claims 110 and 111, the aforementioned reasons for the allowability of claims 64 and 65 also apply here. The aforementioned reasons for the allowability of claim 109 also apply here. Claims 110 and 111 stand or fall together with regard to the rejection under 35 U.S.C. §103(a) as being unpatentable over Network in view of Martin for purposes of this appeal. For the reasons stated above, it is respectfully requested that the Board recognize the deficiencies in the Examiner's rejection of the claims, reverse the Examiner's rejection, and allow claims 110 and 111."

Examiner's Response

The prior claims have been responded to above and for claims 110 and 111 mere allegation is not a grounds for allowance.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


Todd Ingberg

TI

June 16, 2002

Conferees

Kakali Chaki

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